

**BEFORE THE
STATE BOARD OF OPTOMETRY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**GEORGE MING LAU
308 Summit Crest Drive
Lake Forest, CA 92630**

Case No. CC 2010-75

OAH No. 2012060231

Optometry License No. 011908,

Respondent.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the State Board of Optometry, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on May 8, 2013.

It is so ORDERED April 8, 2013.



FOR THE STATE BOARD OF OPTOMETRY
DEPARTMENT OF CONSUMER AFFAIRS

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
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9 **BEFORE THE**
10 **STATE BOARD OF OPTOMETRY**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. CC 2010-75

14 **George Ming Lau**
308 Summit Crest Drive
Lake Forest, CA 92630

OAH No. 2012060231

15 Optometry License No. 11908

16 **STIPULATED SURRENDER OF**
LICENSE AND ORDER

Respondent.

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
18 proceeding that the following matters are true:

19 **PARTIES**

20 1. Mona Maggio (Complainant) is the Executive Officer of the State Board of
21 Optometry. She brought this action solely in her official capacity and is represented in this matter
22 by Kamala D. Harris, Attorney General of the State of California, by Sherry L. Ledakis, Deputy
23 Attorney General.

24 2. George Ming Lau (Respondent) is represented in this proceeding by attorney
25 Courtney E. Pilchman, Esq., whose address is 2030 Main St., Suite 1300, Irvine, CA 92614.

26 3. On or about July 5, 2002, the State Board of Optometry issued Certificate of
27 Registration to Practice Optometry No. 011908 to George Ming Lau (Respondent). The
28 Certificate of Registration to Practice Optometry was in full force and effect at all times relevant

1 to the charges brought in Accusation No. CC 2010-75 and will expire on December 31, 2014,
2 unless renewed.

3 JURISDICTION

4 4. Accusation No. CC 2010-75 was filed before the State Board of Optometry (Board),
5 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
6 and all other statutorily required documents were properly served on Respondent on March 21,
7 2012. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of
8 Accusation No. CC 2010-75 is attached as Exhibit A and incorporated by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, fully discussed with counsel, and understands the
11 charges and allegations in Accusation No. CC 2010-75. Respondent also has carefully read, fully
12 discussed with counsel, and understands the effects of this Stipulated Surrender of License and
13 Order.

14 6. Respondent is fully aware of his legal rights in this matter, including the right to a
15 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
16 the witnesses against him; the right to present evidence and to testify on his own behalf; the right
17 to the issuance of subpoenas to compel the attendance of witnesses and the production of
18 documents; the right to reconsideration and court review of an adverse decision; and all other
19 rights accorded by the California Administrative Procedure Act and other applicable laws.

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
21 every right set forth above.

22 CULPABILITY

23 8. Respondent admits the truth of each and every charge and allegation in Accusation
24 No. CC 2010-75, agrees that cause exists for discipline and hereby surrenders his Certificate of
25 Registration to Practice Optometry No. 011908 for the Board's formal acceptance.

26 9. Respondent understands that by signing this stipulation he enables the Board to issue
27 an order accepting the surrender of his Certificate of Registration to Practice Optometry without
28 further process.

RESERVATION

10. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the State Board of Optometry or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

CONTINGENCY

11. This stipulation shall be subject to approval by the State Board of Optometry. Respondent understands and agrees that counsel for Complainant and the staff of the State Board of Optometry may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

13. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

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ORDER

IT IS HEREBY ORDERED that Certificate of Registration to Practice Optometry No. 11908 issued to Respondent George Ming Lau, is surrendered and accepted by the State Board of Optometry.

1. The surrender of Respondent's Certificate of Registration to Practice Optometry and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the State Board of Optometry.

2. Respondent shall lose all rights and privileges as an optometrist in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificates on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. CC 2010-75 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition. Respondent agrees not to petition for reinstatement for one year after the effective date of the Decision and Order.

5. Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$2,652.50 prior to issuance of a new or reinstated license.

ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Courtney E. Pilchman, Esq. I understand the stipulation and the effect it will have on my Certificate of Registration to Practice Optometry. I enter into this

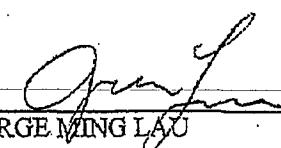
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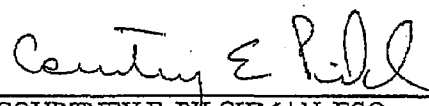
1 Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to
2 be bound by the Decision and Order of the State Board of Optometry.

3
4 DATED: 2/19/2013


5 GEORGE MING LAU
Respondent

6 I have read and fully discussed with Respondent George Ming Lau the terms and conditions
7 and other matters contained in this Stipulated Surrender of License and Order. I approve its form
8 and content.

9 DATED: 2-19-2013


10 COURTNEY E. PILCHMAN, ESQ.
Attorney for Respondent

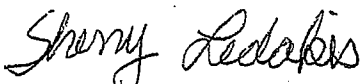
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12 ENDORSEMENT

13 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
14 for consideration by the State Board of Optometry of the Department of Consumer Affairs.

15 Dated: 2-19-13

Respectfully submitted,

16 KAMALA D. HARRIS
Attorney General of California
17 LINDA K. SCHNEIDER
Supervising Deputy Attorney General

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19 SHERRY L. LEDAKIS
20 Deputy Attorney General
21 Attorneys for Complainant

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Exhibit A

Accusation No. CC 2010-75

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
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3 SHERRY L. LEDAKIS
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10 **DEPARTMENT OF CONSUMER AFFAIRS**
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11 In the Matter of the Accusation Against:

Case No.

12 **GEORGE MING LAU**
13 **308 Summit Crest Drive**
14 **Lake Forest, CA 92630**

A C C U S A T I O N

15 **Optometry License No. 011908,**

16 **Respondent.**

17 **Complainant alleges:**

18 **PARTIES**

19 1. Mona Maggio (Complainant) brings this Accusation solely in her official capacity as
20 the Executive Officer of the California State Board of Optometry, Department of Consumer
21 Affairs.

22 2. On or about July 5, 2002, the Board of Optometry issued Optometry License Number
23 011908 to George Ming Lau (Respondent). Said license has been in effect at all times relevant to
24 the charges brought herein and will expire on December 31, 2012, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Optometry (Board),
27 Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code unless otherwise indicated.

1 4. Section 118(b) of the Code provides that the expiration of a license shall not deprive
2 the Board of jurisdiction to proceed with a disciplinary action during the period within which the
3 license may be renewed, restored, reissued or reinstated.

4 STATUTORY AND REGULATORY PROVISIONS

5 5. Section 490 of the Code provides, in pertinent part, that a board may suspend or
6 revoke a license on the ground that the licensee has been convicted of a crime substantially
7 related to the qualifications, functions, or duties of the business or profession for which the
8 license was issued.

9 6. Section 493 of the Code states:

10 Notwithstanding any other provision of law, in a proceeding conducted by a
11 board within the department pursuant to law to deny an application for a license or to
12 suspend or revoke a license or otherwise take disciplinary action against a person
13 who holds a license, upon the ground that the applicant or the licensee has been
14 convicted of a crime substantially related to the qualifications, functions, and duties
15 of the licensee in question, the record of conviction of the crime shall be conclusive
16 evidence of the fact that the conviction occurred, but only of that fact, and the board
17 may inquire into the circumstances surrounding the commission of the crime in order
18 to fix the degree of discipline or to determine if the conviction is substantially related
19 to the qualifications, functions, and duties of the licensee in question.

20 As used in this section, "license" includes "certificate," "permit," "authority,"
21 and "registration."

22 7. Section 3110 of the Code states:

23 The board may take action against any licensee who is charged with
24 unprofessional conduct, and may deny an application for a license if the applicant has
25 committed unprofessional conduct. In addition to other provisions of this article,
26 unprofessional conduct includes, but is not limited to, the following:

27 (k) Conviction of a felony or of any offense substantially related to the
28 qualifications, functions, and duties of an optometrist, in which event the record of
the conviction shall be conclusive evidence thereof.

(l) Administering to himself or herself any controlled substance or using any of
the dangerous drugs specified in Section 4022, or using alcoholic beverages to the
extent, or in a manner, as to be dangerous or injurious to the person applying for a
license or holding a license under this chapter, or to any other person, or to the
public, or, to the extent that the use impairs the ability of the person applying for or
holding a license to conduct with safety to the public the practice authorized by the
license, or the conviction of a misdemeanor or felony involving the use,
consumption, or self administration of any of the substances referred to in this
subdivision, or any combination thereof.

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2 8. California Code of Regulations, title 16, section 1516 states:
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5 (b) When considering the suspension or revocation of a certificate of
6 registration on the grounds that the registrant has been convicted of a crime, the
7 Board, in evaluating the rehabilitation of such person and his/her present eligibility
8 for a license, will consider the following criteria:

9 (1) Nature and severity of the act(s) or offense(s).

10 (2) Total criminal record.

11 (3) The time that has elapsed since commission of the act(s) or offense(s).

12 (4) Whether the licensee has complied with any terms of parole,
13 probation, restitution or any other sanctions lawfully imposed against the licensee.

14 (5) If applicable, evidence of expungement proceedings pursuant to
15 Section 1203.4 of the Penal Code.

16 (6) Evidence, if any, of rehabilitation submitted by the licensee.

17 (c) When considering a petition for reinstatement of a certificate of registration
18 under Section 11522 of the Government Code, the Board shall evaluate evidence of
19 rehabilitation submitted by the petitioner, considering those criteria of rehabilitation
20 specified in subsection (b).

21 9. California Code of Regulations, title 16, section 1517 states:
22

23 For the purpose of denial, suspension, or revocation of the certificate of
24 registration of an optometrist pursuant to Division 1.5 (commencing with Section
25 475) of the Code, a crime or act shall be considered to be substantially related to the
26 qualifications, functions, and duties of an optometrist if to a substantial degree it
27 evidences present or potential unfitness of an optometrist to perform the functions
28 authorized by his/her certificate of registration in a manner consistent with the public
health, safety, or welfare. Such crimes or acts shall include, but not be limited to,
those involving the following:

(a) Any violation of the provisions of Article 2, Chapter 1, Division 2 of the
Code (Sections 525 et seq. of the Code).

(b) Any violation of the provisions of Article 6, Chapter 1, Division 2 of the
Code (Sections 650 et. seq. of the Code) except Sections 651.4 and 654.

(c) Any violation of the provisions of Chapter 5.4, Division 2 of the Code
(Sections 2540 et seq. of the Code).

(d) Any violation of the provisions of Chapter 7, Division 2 of the Code
(Sections 3000 et seq. of the Code).

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COST RECOVERY

10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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FIRST CAUSE FOR DISCIPLINE

(July 19, 2011 Conviction for Driving Under the Influence of Alcohol/Drugs
Causing Bodily Injury on October 3, 2010)

11. Respondent is subject to disciplinary action under sections 490 and 3110(k) in that he was convicted of a crime that is substantially related to the qualifications, functions and duties of an optometrist. The circumstances are as follows:

a. On July 19, 2011, in a criminal proceeding entitled *People of the State of California v. George Ming Lau, aka George M C Lau, Mingchun Liu, George M Lau*, Case No. 10CF3009, in the Superior Court, County of Orange, Central Justice Center, State of California, Respondent was convicted on his plea of guilty to violating Vehicle Code sections 21651(c), driving a motor vehicle the wrong way on a divided highway causing injury or death; 23153(a), driving while under the influence of alcohol/drugs causing injury or death; and 23153(b), driving with a blood alcohol level of .08% or more, causing bodily injury.

b. As a result of the convictions, Respondent was sentenced to three years of formal probation on the following terms and conditions: serve 365 days in the Orange County jail or in a drug treatment program; pay a fine of \$390.00 plus penalty assessments and additional fines, and comply with standard probation terms. Respondent's blood alcohol level was .15%.

c. The circumstances that led to the convictions are that on or about October 3, 2010, at approximately 1:04 a.m. a female driver of a Chevy Impala was entering southbound traffic onto the SR-55 in lane #4, in Orange County, California, traveling at about 35 miles per hour. As she entered the highway she saw a Lexus traveling straight at her in her lane of traffic, going the wrong direction, which was later determined to be driven by Respondent. As she swerved to the right to avoid collision with Respondent's on-coming Lexus, her Impala was struck on the left

1 rear side by Respondent's Lexus, which caused her to spin out of control. As she was spinning,
2 another vehicle struck the front of her vehicle. She came to a stop blocking two lanes of traffic.

3 d. At the same time, a Toyota Rav4, (Rav4) with a male driver and two female
4 passengers was traveling southbound on SR-55 traveling at approximately 65 miles per hour in
5 the #5 lane when the driver of the Rav4 saw the Chevy Impala in front of him swerve out of its
6 lane of traffic. He then saw the Respondent's Lexus coming directly at him. He swerved to the
7 right to try and avoid a collision, when he felt an impact to the driver's side of his vehicle by
8 Respondent's Lexus. The Rav4 rolled approximately four times when it came to a stop on its
9 wheels. The driver of the Rav4 got out of his vehicle and walked to Respondent's Lexus and
10 observed Respondent attempting to start it. The driver of the Rav4 opened Respondent's vehicle
11 door, pulled Respondent out of his vehicle and put him on the ground to wait for the California
12 Highway Patrol (CHP) to arrive.

13 e. When the CHP arrived, the drivers of the other vehicles and witnesses identified
14 Respondent as the driver of the vehicle traveling in the wrong direction on SR-55 that caused the
15 accidents. When the CHP officers spoke to Respondent they observed signs and symptoms of
16 Respondent being under the influence of alcohol. Respondent failed field sobriety tests and
17 admitted to the officers to drinking 3-4 glasses of wine and 2-3 bottles of beer during the previous
18 hour. Respondent was arrested, and his blood alcohol level was measured at .19%. Two female
19 passengers were injured when the Rav4 rolled over after it was struck by Respondent's Lexus.

20 SECOND CAUSE FOR DISCIPLINE

21 (Using Alcohol in a Manner Dangerous to Himself or Others)

22 12. Respondent is subject to disciplinary action under section 3110(l) in that he used
23 alcohol in a manner dangerous to himself or others by drinking alcohol then driving while
24 impaired and causing accidents and injuries to others, as alleged above in paragraph 11, above.

25 PRAYER

26 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
27 and that following the hearing, the Board of Optometry issue a decision:

28 ///

- 1 1. Revoking or suspending Optometry License No. 011908, issued to George Ming Lau;
2 2. Ordering George Ming Lau to pay the Board of Optometry the reasonable costs of the
3 investigation and enforcement of this case, pursuant to Business and Professions Code section
4 125.3;
5 3. Taking such other and further action as deemed necessary and proper.

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8 DATED: March 8, 2012

Mona C. Maggio
MONA MAGGIO
Executive Officer
Board of Optometry
Department of Consumer Affairs
State of California
Complainant

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